

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1315(M/S) of 2001
OLD NO. 50814 OF 1999

1. Surendra Kumar S/o Sheo Prasad
R/o Khanjarpur, Pargana and Teh. Roorkee
Distt: Hardwar
2. Rakesh S/o Narain
R/o Vill. Khanjarpur, Pargana and Teh. Roorkee Distt: Hardwar
3. Bhagwandas S/o Surja.
4. Shyamlal S/o Mohan Lal
Resident of Vill. Malakpur, Latifpur, Pargana and Teh.
Roorkee Distt: Hardwar Petitioner

Vs.

1. The IIIrd Additional District Judge, Hardwar.
2. The Civil Judge (S.D.), Roorkee.
3. Ramprasad S/o Siva Ram, R/o Vill. Malkpur, Latifpur, Pargana and
Teh. Roorkee Distt. Hardwar. Respondents.

17.06.2006

*Sri Lokpal singh, Learned Counsel for the petitioner,
Standing counsel for the respondent No.1 & 2 and
Sri Arvind Vashisth, learned counsel for respondent no.3.*

Hon'ble Rajesh Tandon, J.

Heard Sri Lokpal Singh, Learned counsel for the petitioner,
Standing counsel for the respondent No.1 & 2 and Sri Arvind
Vashisth, learned counsel for respondent no.3.

By the preset writ petition, the petitioner has prayed for a
writ of certiorari quashing the order dated 14.09.1999 as well as
order dated 26.08.96 passed by the respondent no.1 and 2
respectively.

Briefly stated according to the petitioner, respondent/plaintiff
filed a suit no.112/91 in the court of respondent no.2 Civil Judge
(S.D.), Roorkee Distt: Hardwar. The respondent/plaintiff has moved
an amendment application. The said application was allowed vide
order dated 26.8.1996 by the respondent no.2 against the order
dated 26.08.1996, petitioner/defendant preferred the revision,
which was dismissed by the respondent no.1, vide order dated
14.09.99.

Liberty is given to the petitioner to file the application for recalling of the order. In case such an application is filed, the same shall be disposed of after hearing the petitioner. However, the application shall be decide within a period of 3 months from the date of production of certified copy of the order.

Subject to the aforesaid observations, writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

17.06.2006

Jain